

**Calendar No. 254**

108TH CONGRESS  
1ST SESSION

**S. 1250**

**[Report No. 108–130]**

To improve, enhance, and promote the Nation’s homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services, to further upgrade Public Safety Answering Point capabilities and related functions in receiving E–911 calls, and to support in the construction and operation of a ubiquitous and reliable citizen activated system and other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 12, 2003

Mr. BURNS (for himself, Mrs. CLINTON, Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

AUGUST 26, 2003

Reported under authority of the order of the Senate of July 29 (legislative day, July 21), 2003, by Mr. MCCAIN, without amendment

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**A BILL**

To improve, enhance, and promote the Nation’s homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services, to further upgrade Public Safety Answering Point capabilities and related functions in receiving E–911 calls, and to support the construction and operation

of a ubiquitous and reliable citizen activated system and other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
 2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Enhanced 911 Emer-  
 5       gency Communications Act of 2003”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds that—

8               (1) for the sake of our Nation’s homeland secu-  
 9       rity and public safety, a universal emergency tele-  
 10      phone number (911) that is enhanced with the most  
 11      modern and state-of-the-art telecommunications ca-  
 12      pabilities possible should be available to all citizens  
 13      in all regions of the Nation;

14              (2) enhanced emergency communications re-  
 15      quire Federal, State, and local government resources  
 16      and coordination;

17              (3) any funds that are collected from fees im-  
 18      posed on consumer bills for the purposes of funding  
 19      911 services or enhanced 911 should go only for the  
 20      purposes for which the funds are collected; and

21              (4) enhanced 911 is a high national priority  
 22      and it requires Federal leadership, working in co-  
 23      operation with State and local governments and with

1 the numerous organizations dedicated to delivering  
2 emergency communications services.

3 **SEC. 3. PURPOSES.**

4 The purposes of this Act are—

5 (1) to coordinate emergency communications  
6 systems, including 911 services and E-911 services,  
7 at the Federal, State, and local levels;

8 (2) to provide stability and resources to State  
9 and local Public Safety Answering Points, to facili-  
10 tate the prompt deployment of enhanced 911 serv-  
11 ices throughout the United States in a ubiquitous  
12 and reliable infrastructure; and

13 (3) to ensure that funds collected on tele-  
14 communications bills for enhancing emergency 911  
15 services are used only for the purposes for which the  
16 funds are being collected.

17 **SEC. 4. EMERGENCY COMMUNICATIONS COORDINATION.**

18 (a) IN GENERAL.—Part C of title I of the National  
19 Telecommunications and Information Administration Or-  
20 ganization Act (47 U.S.C. 901 et seq.) is amended by add-  
21 ing at the end the following:

22 **“SEC. 158. COORDINATION OF EMERGENCY COMMUNICA-**  
23 **TIONS.**

24 **“(a) ESTABLISHMENT OF TASK FORCE.—**The Assist-  
25 ant Secretary shall establish an Emergency Communica-

1 tions Task Force to facilitate coordination between Fed-  
 2 eral, State, and local emergency communications systems,  
 3 emergency personnel, and public safety organizations. The  
 4 task force shall include the following:

5           “(1) Representatives from Federal agencies, in-  
 6           cluding—

7                   “(A) the Department of Justice;

8                   “(B) the Department of Homeland Secu-  
 9           rity;

10                  “(C) the Department of Defense;

11                  “(D) the Department of the Interior;

12                  “(E) the Department of Transportation;

13           and

14                  “(F) the Federal Communications Com-  
 15           mission;

16           “(2) State and local first responder agencies;

17           “(3) national 911 and emergency communica-  
 18           tions leadership organizations;

19           “(4) telecommunications industry representa-  
 20           tives; and

21           “(5) other individuals designated by the Assist-  
 22           ant Secretary.

23           “(b) PURPOSE OF TASK FORCE.—The task force  
 24           shall provide advice and recommendations with respect to  
 25           methods to improve coordination and communications be-

1 tween agencies and organizations involved in emergency  
 2 communications, including 911 services to enhance home-  
 3 land security and public safety.

4 “(c) REPORTS.—The Assistant Secretary shall pro-  
 5 vide an annual report to Congress by the first day of Octo-  
 6 ber of each year on the task force activities and make rec-  
 7 ommendations on how Federal, State, and local govern-  
 8 ments and emergency communications organizations can  
 9 improve coordination and communications.

10 “(d) MISCELLANEOUS PROVISIONS.—Members of the  
 11 task force shall serve without special compensation with  
 12 respect to their activities on behalf of the task force.”.

13 **SEC. 5. GRANTS FOR E-911 ENHANCEMENT.**

14 Part C of title I of the National Telecommunications  
 15 and Information Administration Organization Act (47  
 16 U.S.C. 901), as amended by section 4, is amended by add-  
 17 ing at the end:

18 **“SEC. 159. EMERGENCY COMMUNICATIONS GRANTS.**

19 “(a) MATCHING GRANTS.—The Assistant Secretary,  
 20 after consultation with the Secretary of Homeland Secu-  
 21 rity, shall provide grants to State and local governments  
 22 and tribal organizations (as defined in section 4(l) of the  
 23 Indian Self-Determination and Education Assistance Act  
 24 (25 U.S.C. 450b(l))) for the purposes of enhancing emer-  
 25 gency communications services through planning, infra-

1 structure improvements, equipment purchases, and per-  
2 sonnel training and acquisition.

3 “(b) MATCHING REQUIREMENT.—The Federal share  
4 of the cost of a project eligible for a grant under this sec-  
5 tion shall not exceed 50 percent. The non-Federal share  
6 of the cost shall be provided from non-Federal sources.

7 “(c) PREFERENCE.—In providing grants under sub-  
8 section (a), the Assistant Secretary shall give preference  
9 to applicants who—

10 “(1) coordinate their applications with the  
11 needs of their public safety answering points; and

12 “(2) integrate public and commercial commu-  
13 nications services involved in the construction, deliv-  
14 ery, and improvement of emergency communications,  
15 including 911 services.

16 “(d) CRITERIA.—The Assistant Secretary shall issue  
17 regulations within 180 days of the enactment of the En-  
18 hanced E-911 Emergency Communications Act of 2003,  
19 after a public comment period of not less than 60 days,  
20 prescribing the criteria for selection for grants under this  
21 section and shall update such regulations as necessary.

22 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
23 are authorized to be appropriated to the Assistant Sec-  
24 retary not more than \$500,000,000 for each fiscal year  
25 for grants under this section.”.

1 **SECTION 6. STATE AND LOCAL 911 PRACTICES.**

2 (a) CERTIFICATION.—Part IV of title VI of the Com-  
 3 munications Act of 1934 (47 U.S.C. 631 et seq.) is  
 4 amended by adding at the end the following:

5 **“SEC. 642. DIVERSION OF 911 FUNDS.**

6 “(a) IN GENERAL.—

7 “(1) ASSESSMENT AND AUDIT.—The Commis-  
 8 sion shall review, no less frequently than twice a  
 9 year—

10 “(A) the imposition of taxes, fees, or other  
 11 charges imposed by States or political subdivi-  
 12 sions of States that—

13 “(i) appear on telecommunications  
 14 services customers’ bills; and

15 “(ii) are designated or presented as  
 16 dedicated to improve emergency commu-  
 17 nications services, including 911 services or  
 18 enhanced 911 services, or related to emer-  
 19 gency communications services operations  
 20 or improvements; and

21 “(B) the use of revenues derived from such  
 22 taxes, fees, or charges.

23 “(2) CERTIFICATION.—Each State shall certify  
 24 annually to the Commission that no portion of the  
 25 revenues derived from such taxes, fees, or charges  
 26 have been obligated or expended for any purpose

1       other than the purposes for which such taxes, fees,  
2       or charges are designated or presented.

3       “(b) NOTIFICATION OF CONGRESS AND THE PUB-  
4 LIC.—If the Commission fails to receive the certification  
5 described in subsection (a)(2), then, within 30 days after  
6 the date on which such certification was due, the Commis-  
7 sion shall cause to be published in the Federal Register,  
8 and notify the Senate Committee on Commerce, Science,  
9 and Transportation and the House of Representatives  
10 Committee on Energy and Commerce of—

11               “(1) the identity of each State or political sub-  
12       division that failed to make the certification; and

13               “(2) the amount of revenues obligated or ex-  
14       pended by that State or political subdivision for any  
15       purpose other than the purposes for which such  
16       taxes, fees, or charges were designated or presented.

17       “(c) WITHHOLDING OF FUNDS.—Notwithstanding  
18 any other provision of law, the Assistant Secretary shall  
19 withhold any Federal grant funds that would otherwise be  
20 made available under section 159 of the National Tele-  
21 communications and Information Administration Organi-  
22 zation Act to a State or political subdivision identified by  
23 the Commission under subsection (b)(1) in an amount not  
24 to exceed twice the amount described in subsection (b)(2).  
25 In lieu of withholding grant funds under this subsection,



- 1 the Secretary may require a State or political subdivision
- 2 to repay to the Secretary the appropriate amount of funds
- 3 already disbursed to that State or political subdivision.”.

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